

REMARKS

We have amended the claims to more particularly point out and distinctly claim the invention. We have also canceled claims 6, 8, 10, 12, 29, and 32-45 and added claims 46 and 47, both of which depend from claim 1. After entering these amendments, claims 1, 4, 5, 9, 11, 13, 14, 16, 18-28, 30, 31, 46 and 47 will be pending in this application.

The Examiner rejected claims 1, 4-6, 8-14, 16, and 18-45 under 35 U.S.C. §103(a) as being unpatentable over U.S. 6,029,065 to Shah in view of U.S. 6,859,699 to Carroll and further in view of U.S. 6,526,335 to Treyz.

We note, however, that none of the references teach or suggest the following feature which is recited in claim 1, as now amended:

...application program code including a software switch for toggling back and forth between a first state and a second state, wherein the first and second states represent a deactivated state in which the cellular phone provides said basic features to the user without providing said enhanced features and an activated state in which the cellular phone provides the enhanced features.

The Examiner admits that Shah does not disclose “activating and deactivating enhanced features through a wireless transceiver circuit and by a transmitted key that was sent by a remote source to that mobile communication device.” For this missing feature, the Examiner relies on Carroll.

Carroll does indeed discuss a method according to which authorized users of his system can access and download desired data or functionality from a remote service provider and that further requires the user to submit a license/activation code obtained from the service provider to access the downloaded data or functionality (see Abstract). Carroll’s system is designed to prevent the distribution and use by unauthorized users of data and functionality obtained from the service provider. As a consequence, consistent with achieving that objective Carroll only discloses the use of an activation code. **Carroll does not teach or even suggest the use of a software switch which enables toggling back and forth between activation and deactivation states.**

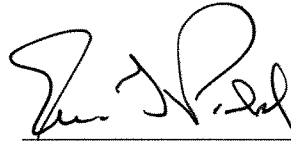
We note that the other independent claims (i.e., claims 14 and 16) include a limitations that is similar to the above-discussed limitation found in claim 1.

For at least the reasons stated above, we believe that the claims are in condition for allowance and therefore ask the Examiner to allow them to issue.

Please apply any charges not covered, or any credits, to Deposit Account No. 08-0219, under Order No. 0112855.00121US3 from which the undersigned is authorized to draw.

Respectfully submitted,

Dated: February 18, 2009

A handwritten signature in black ink, appearing to read "Eric L. Prahl", written over a horizontal line.

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